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*Counsel for Defendants Dynex Capital, Inc.,  
Merit Securities Corporation, Thomas H. Potts,  
and Stephen J. Benedetti*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE DYNEX CAPITAL, INC.  
SECURITIES LITIGATION

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)  
) Master File No. 05-CV-1897 (HB)  
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**(MOTION FILED UNDER SEAL)**

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Joseph J. Saltarelli, executed July 15, 2010, with supporting exhibits, the accompanying Defendants' Local Rule 56.1 Statement of Material Facts and the accompanying Memorandum of Law, Defendants Dynex Capital, Inc., Merit Securities Corporation, Thomas H. Potts and Stephen J. Benedetti (collectively, "Defendants"), by counsel, will move this Court for an order granting Defendants summary judgment pursuant to Fed. R. Civ. P. 56.

PLEASE TAKE FURTHER NOTICE that answering papers shall be served on or before August 15, 2011, and reply papers shall be served on or before September 6, 2011.

Dated: New York, New York  
July 15, 2011

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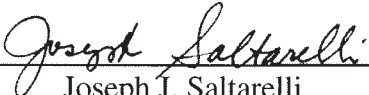
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**CERTIFICATE OF SERVICE**

I certify that on the 15th day of July, a true copy of the foregoing was served via federal express overnight service delivery to:

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\_\_\_\_\_  
Joseph J. Saltarelli